IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

Bail Appl..No. 584 of 2007()

AGAINST THE ORDER IN LPC 156/2006. IN
CC.13/2003 of C.J.M.,KASARAGOD
CRIME NO.712/00 OF KASARAGOD POLICE STATION

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: PETITIONER/ACCUSED NO.2

MUNNA, S/O. MOHAMMED @ KULLA MOHAMMED,
MEEPAGIRI, CHEORI, KUDLU, KASARGOD.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, REPRESENTED BY
STATION HOUSE OFFICER, KASARAGOD POLICE STATION,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 584 OF 2007

Dated this the 2nd day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the 2nd accused in Crime No.712/00 of Kasaragod Police Station for offences punishable under Secs.143, 147, 148, 427 and 153A read with section 149 I.P.C., seeks anticipatory bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Admittedly, consequent on the non-appearance of the petitioner before the CJM, Kasaragod in C.C.No.13/2003, the case against him has been split up and transferred to the LPC register as LPC.No.156/06. After the disposal of C.C.No.13/03, the case against the petitioner has been re-filed as C.C.No.500/06. Admittedly, a non-bailable warrant is pending against the petitioner. According to the petitioner, the co-accused in the case has been acquitted after trial. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the CJM, Kasaragod and seek regular bail. Accordingly, if the petitioner surrenders before the CJM, Kasaragod and

files an application for regular bail within a period of two weeks from today, the same shall be considered and disposed of despite the NBW, if any, pending against him, preferably on the same day on such an application for bail is filed, after examining the explanation offered by the petitioner for his previous non-appearance, after considering his contentions that the co-accused in the case has been acquitted.

This petition is disposed of as above.

(V. RAMKUMAR, JUDGE)

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